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Including professional corporations

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202-962-4852

November 7, 1995

William F. Caton
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

NOV 7 1995

Re: Ex-Parte Meeting in CC Docket No. 95-149

Dear Mr. Caton:

In accordance with the Commission's ex parte rule, 47 C.F.R. § 1.1206(a)(2), an original and one copy of this letter are being filed in CC Docket No. 95-149, as notification that on Tuesday, November 7, 1995, Naomi Klaus, Assistant Legal Counsel, and Robert Beckwith, a consulting engineer, both of the Metropolitan Washington Airports Authority, along with their communications counsel, Ian D. Volner, spoke with John Morabito, Deputy Chief and Pamela Gerr, Esq. of the Common Carrier Bureau's Networks Services Division. The purpose of their meeting was to discuss matters raised on behalf of the Metropolitan Washington Airports Authority in the above-referenced docket including issues raised in the Petition for Declaratory Ruling and related pleadings. Another topic of discussion was the matter raised in the attached letter to John Morabito dated November 2, 1995. During the meeting, the staff was supplied a map of the telecommunications infrastructure of Washington-Dulles International Airport and terminal. A copy of this map will be submitted upon receipt.

Kindly place this material in the public file.

Very truly yours,


Edward S. Hammerman

Attachment

cc: Pamela Gerr

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Ian D. Volner
(202) 962-4814

November 2, 1995

Joseph Morabito, Esq.
Deputy Chief
Network Services Branch
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 544
Washington, D.C. 20035

Re: CC Docket 95-149
Request for Declaratory Ruling Regarding Demarcation Point

Dear Mr. Morabito:

On behalf of the Metropolitan Washington Airports Authority ("Airports Authority"), we respectfully seek an immediate order granting the Request for Declaratory Ruling filed by the Authority on August 18, 1995. We are compelled to renew our request for expedited consideration because actions taken by GTE South Incorporated ("GTE") within the last several days directly threaten the ability of the Airports Authority to complete construction of the main terminal at Dulles on schedule.

The relevant facts are fully summarized in the pleadings before the Commission. In brief, unable to negotiate an agreement with respect to a demarcation point at Dulles, the Airports Authority sought a declaratory ruling from this Commission establishing a single demarcation point at Dulles to be located in Building 8. The Airports Authority also filed a Motion for Expedited Consideration, pointing out that the pendency of the demarcation dispute threatened timely completion of the renovation and expansion of the main terminal at Dulles, a project that will double the size of that terminal. In its opposition to this Motion, GTE made explicit representations that a delay to allow for public comment would not interfere with timely completion of the main terminal:

"The existence of GTE's local exchange network does not prevent WMAA [sic] from undertaking any construction that it pleases. Further, the construction which WMAA suggests would be subject to delay (final decisions with

Joseph Morabito, Esq.

November 2, 1995

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-- telephone closets, frames, etc. -- in the expanded main building") is clearly on the WMAA side of any demarcation point the Commission might approve, and therefore subject to the sole discretion of WMAA as the owner of that inside wiring."

Motion of GTE for Public Notice at 8 (filed August 23, 1995). GTE has now taken a contrary position. As the attached exchange of correspondence between GTE and the Airports Authority shows, GTE asserts that there are things called "customer's demarcation points" apparently located within the terminal beyond the main telecom vault and that locating and identifying cable pairs, distribution terminals, and cable feeds would be "interference with the public network." We emphasize that the work the Airports Authority is seeking to undertake and that is the subject of the attached correspondence relates to wiring entirely within the single building of the main terminal.

GTE's fundamental change of position removes the assurance on which the Airports Authority relied in deciding not to oppose public comment. See Airports Authority Response to Motion of GTE South for Public Notice and Comment at 2 (filed September 8, 1995). It makes clear that resolution of the demarcation point dispute is necessary in order for the \$500 million expansion and renovation of the terminal to proceed on schedule.

The Airports Authority cannot cut-over stations in the main terminal without identifying existing cable pairs. It cannot proceed with the main terminal expansion and renovation without completing cut-over to the new frames because the old main telecom vault must be demolished. To keep the schedule and avoid delay, cut-over must be accomplished by February 1, 1996. GTE's obvious intent is to halt the construction project unless the Airports Authority allows GTE to install the new infrastructure in the renovated and expanded main terminal.^{1/}

The positions taken in GTE's letters of October 17 and 31 are without legal foundation. By GTE's assessment, the only premise wiring that is unregulated (and not

^{1/} There is separate but closely related problem resulting from GTE's renewed intransigence having to do with the provision by GTE of dial tone to the shared tenant system with which the new main terminal will be connected. That is a matter of state law, and we do not address it here.

Joseph Morabito, Esq.

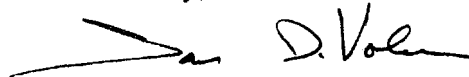
November 2, 1995

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part of the public network) is that which is inside a building and serving the stations of the landlord. This is contrary to the Commission's efforts to deregulate premise wiring and any possible reading of the demarcation rule. The claim that this work threatens "confidential" customer information is nonsense -- the work is being performed solely to permit cut-over to the new infrastructure and is not intended to, nor will it, capture CPNI.

We recognize that the public comment period insisted upon by GTE has only recently closed. Other than GTE, only one party filed (a very brief) comment which did not address the merits of this case. The matter is, therefore, ripe for decision and does not require examination of a voluminous record. Accordingly, the Airports Authority renews its pending Motion for Expedited Consideration and asks the Commission to grant its Request for Declaratory Ruling at the earliest possible time.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Volner", with a stylized flourish extending to the left.

Ian D. Volner

cc: David Gudino, Esq.
George Avery, Esq.



**GTE Telephone Operations
South Area**

9380 Walnut Grove Road
P.O. Box 900
Mechanicsville, VA 23111
804 779-4000

October 31, 1995

Mr. Michael Egan
Communications Manager
Metropolitan Washington Airports Authority
44 Canal Center Plaza
Alexandria, Virginia 22314-1562

Dear Mike:

This is in response to your October 23, 1995 letter advising that you have ordered Harris to begin "location" and "identification" on November 1, 1995.

GTE objects to any interference by MWAA or Harris with the local exchange network. Further, the confidential and proprietary GTE/customer information with respect to their service is not subject to disclosure. The activities you propose concern the local network and there is no reasonable need for Harris to engage in location and identification within the public network as you propose. In my opinion, what you propose will be nothing less than further interference with the public network.

GTE does not object to the placement of your own facilities in the Main Terminal. What is improper is for you to interfere with the public network. I strongly urge you not to do that. If you do, GTE must take appropriate steps to protect the integrity of the network and confidentiality requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judie Thompson".

Judie Thompson



METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

44 Canal Center Plaza → Alexandria, Virginia 22314-1562

October 23, 1995

Ms. Judie Thompson
Project Manager
GTE Operations
9380 Walnut Grove Road
P.O. Box 900
Mechanicsville, VA 23111

Dear Judie:

As I told you in my letter of August 24, 1995, Harris Corporation, on behalf of the Airports Authority, is conducting an engineering survey of existing facilities within the Main Terminal at Washington Dulles International Airport. Harris detailed its need to locate and identify all cable pairs, distribution terminals, and cable feeds in a letter to you dated October 6, 1995. Since GTE apparently does not want to provide a technician to help, I have instructed Harris to begin this location and identification on November 1, 1995. If GTE wishes to send an observer, please notify Mr. W.P. Manning at the Harris ACS Office.

As we have discussed in the past, procedures need to be established between GTE and Harris so that service to our tenants and your customers proceeds smoothly. I will telephone you in the next few days to set up a meeting to establish these procedures. Please contact my office if you have any questions.

Sincerely,

Michael Egan
Communications Manager

cc: W.P. Manning

10/18/95 10:47 ID:ACS PROJECT OFFICE
10-18-95 03:19PM FROM GTE VIRGINIA REGION

FAX:703-661-8940

NOV. 02 02 PM 10/4 2

TO 17036618940

F002



**GTE Telephone Operations
South Area**

9380 Walnut Grove Road
P.O. Box 900
Mechanicsville, VA 23111
804 779-4000

October 17, 1995

Mr. W. P. Manning
ACG Project Office
Dulles International Airport
400 West Service Road, Suite 101
Chantilly, Virginia 22021

Dear Bill,

Subject: Technician Labor Proposal

In response to your October 6 letter and our conversation on October 10, GTE South can assist in identifying the number of pairs leaving the demarcation point and going to a customer's location in the existing terminal for the MWAA billable accounts. However, you have not provided us a Letter of Authorization from MWAA to perform work on their behalf. Other customer accounts are proprietary. The size and gauge of cable facilities running from the customers' demarcation points to the GTE central office are not available for disclosure.

GTE's hourly rate for your proposal of identifying the MWAA billable accounts is \$80.00. As soon as you provide us a copy of the Letter of Authorization and notify me of the acceptance of this rate, I can send you our standard contract for signature.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judie".

Judie Thompson
Sr. Administrator



October 6, 1995

GTE Telephone Operations
South Area
9380 Walnut Grove Road
P.O. Box 900
Mechanicsville, VA 23111

Subject: Technicians Labor Proposal
Reference: GTE Letter October 5, 1995

Dear Judie,

In response to referenced letter you are hereby provided the detailed information requested.

We have been selected by the Authority as the design contractor for the existing Main Terminal Expansion as it applies to telephone service.

What we are attempting to identify is existing service(s) to current tenants in the Main Terminal. During our surveys it was discovered that there is little or no labeling on any of the distribution terminals being fed from the Main Telecom vault in the Main Terminal.


Further, we have not been able to locate all the distribution terminals in the Main Terminal. Therefore, we need help from GTE for the following:

- locating all distribution terminals feeding from the Main Telecom Vault in the existing main terminal;
- identifying live circuits in each of the distribution terminals;
- identifying house feeder cable runs within the existing main terminal;
- identifying cable counts and pair assignments in the distribution terminals.

Should you have any further questions please don't hesitate to contact the undersigned.

Thank you for your attention to this matter.

Regards,


W. P. Manning
Manager, Subcontracts